

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, MAY 18, 1999**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Larry Hudkins  
Linda Steinman  
Bob Workman

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 11, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of May 11, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 118 additions and deductions to the tax assessment rolls per Exhibit "A". (1999966) (1999963)

**MOTION:** Workman moved and Steinman seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Food Bank of Lincoln, Inc.  
Pius X High School

Campbell noted that she is on the Board of Directors for the Food Bank of Lincoln, Inc.

**MOTION:** Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Food Bank of Lincoln, Inc. and Pius X High School. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was closed.

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Bruce Medcalf  
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 11, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of May 11, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 18, 1999.**

**MOTION:** Heier moved and Steinman seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

**An Exceptional Circumstance Award for Brenda Fisher, an employee in the Corrections Department, in amount of \$600. (1999965)**

**MOTION:** Heier moved and Steinman seconded approval of an exceptional circumstance award for Brenda Fisher, in the amount of \$600. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- 4) **PUBLIC HEARINGS:**

**A. County Change of Zone 187, from AG Agricultural to I Industrial, requested by Nebraska Retail Ventures, on property located south of the corner of Highway 43 and Nebraska Highway 2 (Bennet Corner) in Lancaster County, Nebraska. (1999854) (1999972)**

**B. County Change of Zone 188, from AG Agricultural to I Industrial, requested by Nebraska Retail Ventures, on property located east of the corner of Highway 43 and Nebraska Highway 2 (Bennet Corner) in Lancaster County, Nebraska. (1999853) (1999973)**

Public hearing items A and B were heard together.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the Changes of Zone.

Bruce Medcalf, County Clerk, administered the oath to all individuals testifying.

Terry Williams, operations manager for Nebraska Retail Ventures, appeared in favor of the changes of zone. He explained that when the state constructed the new road they did not put the access to the business on the zoned property. Instead, they placed it on the Agriculture (AG) side. Additional zoning had to be requested so they could put in pumps and a parking lot. Williams stated they then decided to enlarge the area to avoid future problems and that they have no intention to develop everything at the current time. He also reported that they have had problems in the past with signage and that the Industrial (I) zoning allows for the signage that they would like to erect. Williams noted there is concern from the Village of Bennet regarding the Industrial zoning.

Workman noted that the recommendation from the Planning Commission regarding Change of Zone 188 was for denial.

Williams stated at the present time Change of Zone 188 could be withdrawn.

Campbell stated she visited with the Chair of the Bennet Village Board and that they would like more specific information regarding industrial uses and their impact. She asked if it would be better that Change of Zone 188 be withdrawn rather than denied.

Mike DeKalb, Planning Department, appeared and stated if the County Board denies Change of Zone 188 the applicant cannot reapply for one year.

The Chair asked if anyone wished to testify in opposition or in a neutral position.

No one appeared and the hearings were closed.

**MOTION:** Steinman moved and Hudkins seconded approval of Resolution 99-972. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

**MOTION:** Workman moved and Heier seconded to accept the request of the applicant, Nebraska Retail Ventures, to withdraw Change of Zone 188. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- C. County Change of Zone 182, from AG Agricultural to AGR Agricultural Residential, requested by Robert Ross of Ross Engineering on behalf of Walker Farms, on property located south and west of the corner of Southwest 27<sup>th</sup> Street and Rokeby Road in Lancaster County, Nebraska. (1999866) (1999975)**
- D. County Preliminary Plat 98032, requested by Robert Ross of Ross Engineering on behalf of Walker Farms, for 14 lots, on property located south and west of the corner of Southwest 27<sup>th</sup> Street and Rokeby Road in Lancaster County, Nebraska. (1999867) (1999974)**

Public hearing Items C and D were heard together.

The Chair opened the public hearings and asked if anyone wished to testify in favor of the Change of Zone.

The Clerk administered the oath to all individuals testifying.

Campbell submitted into the record letters of opposition from Scott and Janet Nason, John and Barbara MacKichan, Darrel Hopkins, Michael and Betty Hollman, Tina McCracken, Jennifer MacKichan, Loi and Pat Vo and Mr. and Mrs. Dennis Fiedler (Exhibit A).

Mark Hunzeker, attorney representing applicant, appeared and stated he feels the area is appropriate for acreage development. He stated the development, which has an average lot size of 5.7 acres per unit, would be near Southwest 27<sup>th</sup> Street and Rokeby Road and is one mile from the Yankee Hill Lake and State Recreation area and one mile from Denton Road. Hunzeker stated the area is taking on the character of acreage development.

He also noted that the County Land Use map is basically 15 years old and said that the 1985 Comprehensive Plan was the last time the area outside the three-mile jurisdiction was reviewed.

Hunzeker stated the Health Department had expressed concern about water, however, test wells were drilled which indicated an adequate supply of potable water for the property.

No one else appeared to testify in favor of the proposals and the Chair asked for testimony in opposition.

John MacKichan, 10800 SW 27<sup>th</sup> Street, appeared in opposition and submitted into the record a petition regarding the change of zone and preliminary plat (Exhibit D). He stated he has owned a ten acre parcel since 1971. A concern expressed by MacKichan was that the development would be five miles from the closest fire department. Another concern is the increased traffic on Southwest 27<sup>th</sup> Street and the deterioration it has created on the roads.

Jennifer Mackichan, 10800 SW 27<sup>th</sup> Street, appeared in opposition and expressed concern regarding the following:

- \* Traffic issues
- \* Deterioration of roads
- \* Water drainage problems
- \* Increased pollution

Ken Sherwood, 2011 West Rokeby Road, testified in opposition and stated the subdivision would be located in a drainage area of approximately 1000 acres. He stated he's concerned about increased net runoff. Sherwood stated he initially purchased his property in 1964, with additional property being purchased in 1970.

Sherwood showed a video tape and pictures of flooding on his property.

In response to a question asked by Hudkins, Sherwood stated he has witnessed flooding on an annual basis and had damage to personal property and well contamination in 1993.

Mike Hollman, 3021 West Rokeby Road, appeared in opposition. He stated most of the blacktop roads leading into Denton are almost all acreages and developments. He added that there is a new development being constructed at Highway 33 and SW 29<sup>th</sup> Street.

Hollman, in response to a question asked by Hudkins, stated the quality of his water is poor.

Mark Osborn, 10600 SW 27<sup>th</sup> Street, testified in opposition and stated he owns 64 acres which is an active farm. He identified the following issues which concern him:

- \* Traffic/road issues
- \* Water quality and quantity
- \* Sewer issues
- \* Lack of infrastructure to accommodate the higher density of individuals
- \* Possibility of Rokeby school closing

In response to a question asked by Hudkins, Osborn stated they have satisfactory water for their home.

Hudkins asked about flooding.

Osborn stated flooding problems will affect his land as more ground is developed.

Art Reddish, 3707 West Rokeby, appeared in opposition and stated he owns 200 acres of land and noted that 80 acres of the land has been in his family since 1865. He stated he doesn't want any of the property in the area to be developed.

Albie Osborn, 10600 SW 27<sup>th</sup> Street, testified in opposition stated that she is concerned about water quality and quantity, sewage problems, increased traffic, road issues, increased population, trash and crime issues, problems for the rural fire district and the impact on Rokeby school, noting that additional children attending the school could have a negative impact regarding funding.

Darrel Hopkins, 10500 SW 27<sup>th</sup> Street, testified in opposition and stated he recently purchased his acreage which consists of 6.5 acres. He stated he is concerned about water quality and quantity and noted that the Dakota aquifer, which serves the area, is unpredictable. The thickness of the aquifer is one-fourth the size of all other aquifers in the County. Hopkins stated he contacted the rural water districts which serve Lancaster County, in the event that they no longer have water, and found that none of them serve the area. Another concern, Hopkins stated, is the septic systems.

Lynn Fiedler, 11101 SW 27<sup>th</sup> Street, appeared in opposition of the change of zone and preliminary plat. She stated she is concerned about the possibility of 14 lagoons being constructed. Other concerns are road safety and increased demands on the fire department and the Sheriff's office. Fiedler stated their water had a bad taste and purchase of an ozone machine was necessary. She added that their well produces 25 gallons of water a minute, which is adequate for their home, however, they would like to have a livestock operation and feel there wouldn't be enough water to support that endeavor.

In response to a question asked by Hudkins, Fiedler stated they own 120 acres and have lived there for ten years.

No one else testified in opposition and the Chair asked if anyone wished to testify in a neutral position.

Mike DeKalb, Planning Department, submitted a map regarding the proposed change of zone showing the existing platted lots and existing residential dwellings (Exhibit B).

He stated that the County does have a Comprehensive Plan and explained they have set aside areas in the County for acreage development to occur. In 1977 there were approximately 60 acres set aside and in 1985 there were approximately 30 acres. DeKalb stated the current square miles of acreage area shown for development is 25.58.

DeKalb submitted documentation containing a report dated July 31, 1997 determining the number of vacant acreage lots in Lancaster County, a County Residential Building Activity sheet and a listing of Denton Road plats (Exhibit C).

Hunzeker stated the area was not prime farm land which was acknowledged in the Planning staff report.

He also addressed concerns regarding the Rokeby school by stating that 14 homes in the area would bring a minimum of approximately two to three million dollars into the school district for valuation purposes and \$40,000 to \$60,000 per year in additional tax revenue.

Hunzeker explained testing of a well was satisfactory and the Health Department gave their approval. He stated no lagoons will be used; it is their intention to use septic systems.

**MOTION:** Steinman moved and Workman seconded to deny County Change of Zone 182, from AG Agricultural to AGR Agricultural Residential, requested by Robert Ross of Ross Engineering on behalf of Walker Farms, on property located south and west of the corner of Southwest 27<sup>th</sup> Street and Rokeby Road in Lancaster County, Nebraska. On call Steinman, Workman and Campbell voted aye. Hudkins and Heier voted no. Motion carried.

County Preliminary Plat 98032, requested by Robert Ross of Ross Engineering on behalf of Walker Farms, for 14 lots, on property located south and west of the corner of Southwest 27<sup>th</sup> Street and Rokeby Road in Lancaster County, Nebraska was moot due to denial of County Change of Zone 182.

5) **OLD BUSINESS:**

**A. An application for a Corporate Manager license from Barry A Townsend in connection with a Class K (Wine Off Sale Only) and a Class E (Beer Off Sale Only) liquor license for Whitehead Inc. dba/U-Stop Convenience Shop located at 6600 North 84<sup>th</sup> Street in Lancaster County, Nebraska. (1999852) (1999897) (1999934) (1999971)**

**MOTION:** Steinman moved and Workman seconded approval of Resolution 99-971 denying the application for a Corporate Manager license from Barry A Townsend. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

**B. Renewal of maintenance agreements with D & E Technical Service, Inc. for typewriters located in the Clerk of the District Court's office, in the total amount of \$1,090, beginning May 9, 1999 and ending May 8, 2000. (1999903)**

Cookie Wittler, Accounting Services Supervisor in the Clerk of the District Court's office, stated they have 12 typewriters which are used simultaneously for preparing forms in connection with mental health hearings, judgement cards, protection orders and various other documents.

In response to a question asked by Heier, Wittler stated the typewriters are nine to ten years old and replacement cost would be approximately \$1,100 per machine, in comparison to approximately \$32 to \$100 per maintenance agreement.

Campbell asked what the fee would be if there were no maintenance agreements.

Wittler stated the service fee is \$50 per hour, plus parts.

**MOTION:** Heier moved and Hudkins seconded approval. On call Heier, Workman, Svoboda, Campbell and Hudkins voted aye. Motion carried.

The Chair requested New Business Items C and D be moved forward due to time constraints of the individual appearing.

6) **NEW BUSINESS:**

**C. A referee coordinator agreement with Great Plains Appraisal Company on behalf of Wayne Kubert for the 1999 Board of Equalization Property Valuation Protests, in an amount not to exceed \$75,000. (1999952)**

**D. Approval of the 1999 Lancaster County Board of Equalization Policies and Procedures and related forms for property valuation protests. (1999991)**

**MOTION:** Hudkins moved and Steinman seconded approval of a referee coordinator agreement with Great Plains Appraisal Company on behalf of Wayne Kubert for the 1999 Board of Equalization Property Valuation Protests, in an amount not to exceed \$75,000 and approval of the 1999 Lancaster County Board of Equalization Policies and Procedures and related forms for property valuation protests.

Tom Kubert, appearing on behalf of Great Plains Appraisal and Wayne Kubert, stated Southeast Community College will be used for referee hearings during the months of June and July. He stated the system that has been set up will handle approximately 4,000 protests, however, it has been estimated there will be approximately 3,000 protests filed.

He stated the forms are very similar to last year's with the main change being the addition of a form regarding equalization issues.

Kubert stated they have contacted approximately 30 referees who are in the process of completing their contracts which will be before the County Board in a couple of weeks. All of the appraisers are licensed by the State of Nebraska and are qualified to make value judgements on behalf of the County.

**ROLL CALL:** Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

5) **RETURNING TO OLD BUSINESS:**

- C. Comprehensive Plan Amendment 27b, 1998 Comprehensive Plan Annual Review, requested by Peter Katt for Steve Champoux, to revise the Land Use Plan to change 124 acres from Agricultural to Low Density Residential at the northwest corner of 134<sup>th</sup> and "A" Streets in Lancaster County, Nebraska. (1998937)**
- D. County Change of Zone 147, from "AG" Agricultural to "AGR" Agricultural Residential, requested by Peter Katt for Steve Champoux, on property located at the northwest corner of 134<sup>th</sup> and "A" Streets in Lancaster County, Nebraska. (1998938)**

By direction of the Chair Comprehensive Plan Amendment 27b and County Change of Zone 147 were deferred to Tuesday, June 1, 1999.

6) **RETURNING TO NEW BUSINESS:**

- A. An interlocal agreement with the City of Lincoln and the Lower Platte South Natural Resources District for an integrated electronic geographic information system network. (1999852)**

**MOTION:** Steinman moved and Workman seconded approval. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- B. A lease/purchase agreement and related documents with Nebraska Association of Elected Officials (NACO) for one 1999 Ford Crown Victoria for the Attention Center and two replacement engines for the Sheriff's Piper aircraft, in the total amount of \$46,424. (1999989)**

Campbell stated she is a member of the NACO Lease/Purchase Corporation.

**MOTION:** Heier moved and Steinman seconded approval. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- C. A referee coordinator agreement with Great Plains Appraisal Company on behalf of Wayne Kubert for the 1999 Board of Equalization Property Valuation Protests, in an amount not to exceed \$75,000. (1999952)**

Action previously taken.

- D. Approval of the 1999 Lancaster County Board of Equalization Policies and Procedures and related forms for property valuation protests. (1999991)**

Action previously taken.

- E. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Advanced Digital Cutting Systems, Inc., in the amount of \$12,599, for one automated traffic sign making system. (1999962)**

**MOTION:** Steinman moved and Hudkins seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- F. Recommendation from the Flexible Benefits Plan Request for Proposal (RFP) Committee to award a three year contract to Pay Flex Systems U.S.A., Inc. for FEBA administration at the following rates: a monthly fee of \$3.50 per participating employee and an annual maintenance fee of one dollar per eligible employee.**

**MOTION:** Heier moved and Workman seconded approval. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- G. Recommendation from the Benefits Consultant Committee to award a three year contract to J & H Marsh & McLennan, at an annual fee of \$7,833 for the first year, with fees for subsequent years not exceeding more than a ten percent increase over the preceding year.**

**MOTION:** Steinman moved and Hudkins seconded approval. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- H. Recommendations from the Personnel Policy Board for the following: (1999964)**

- 1. Creation of the following classifications:**

<u>Class Title</u>	<u>Proposed Pay Grade</u>
County Records Specialist I	\$20,277.92 - \$26,705.12
County Records Specialist II	\$23,196.16 - \$30,424.16
County Records Specialist III	\$25,611.04 - \$33,423.52
Correctional Records Technician	\$22,183.20 - \$29,132.48
Nursing Supervisor	\$34,946.08 - \$46,067.84

- 2. Change to pay grade for the following classifications:**

<u>Class Title</u>	<u>From Pay Grade</u>	<u>To Pay Grade</u>
Assistant Nursing	\$34,946.08 to	\$36,564.32
Director	\$46,067.84 to	\$48,270.56

- 3. Amend Rule 8.1 and 8.2 of Personnel Rules pertaining to probationary period.**

**4. Amend Rule 9.1(3) of Personnel Rules pertaining to promotion, transfer and demotion.**

**MOTION:** Steinman moved and Heier seconded approval. On call Hudkins, Steinman, workman, Hudkins and Campbell voted aye. Motion carried.

**I. Appointment of Lynette Nelson to the County Board of Zoning Appeals to fill the unexpired term of Charles Weichert which began April of 1996 and ends April, 2001. (1999951)**

**MOTION:** Hudkins moved and Workman seconded approval. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Setting of a public hearing for Tuesday, June 1, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, regarding an application for a Class E (Beer Off Sale Only) liquor license from Jacox Reinsch Inc. dba/"Emerald Mini Mart", located at 8401 West "O" Street in Lancaster County, Nebraska. (1999990)**

**B. Setting of a public hearing for Tuesday, June 8, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, for County Change of Zone 184, from AG Agricultural to AGR Agricultural Residential, requested by J Michael Rierden on behalf of Todd Lewis, on property located at the southeast corner of Highway 77 and Stagecoach Road in Lancaster County, Nebraska. (1999948)**

**C. Renewal of maintenance agreements with the following:**

- \* **JJE, Inc. for a microfilm camera located at the County Treasurer Motor Vehicle Services facility, in the amount of \$445 (1999953)**
- \* **JJE, Inc. for a microfilm camera located at the County Treasurer's office, in the amount of \$445 (1999954)**

**D. A contract with Dwight Johnson and Associates, in the amount of \$8,900, for appraisal services in connection with the acquisition of right-of-way for a project on Southwest 40<sup>th</sup> Street from West Van Dorn Street to West "A" Street. (1999985)**

**E. A contract with Dwight Johnson and Associates, in the amount of \$4,800, for appraisal services in connection with the acquisition of right-of-way for a project on Pioneers Boulevard from South 98<sup>th</sup> Street to South 112<sup>th</sup> Street. (1999986)**

**F. Contracts relating to road improvements with the following:**

- \* Harold E and Nonna J Freese at North 14<sup>th</sup> street and Raymond Road, in the total amount of \$4,760.68 (3 contracts) (1999980) (1999981) (1999982)**
- \* NEBCO on North 1<sup>st</sup> Street near Fletcher Avenue, in the amount of \$131 (1999983)**
- \* Jon C and Sharon S Mumgaard on North 1<sup>st</sup> Street near Alvo Road, in the amount of \$229 (1999984)**
- \* Alexander A Nagel at North 14<sup>th</sup> Street and Raymond Road, in the amount of \$1,487.58 (2 contracts) (1999977) (1999978)**
- \* Steven Hergenrader at North 14<sup>th</sup> Street and Raymond Road, in the amount of \$10 (1999979)**

**MOTION:** Hudkins moved and Steinman seconded approval of the Consent Items. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

8) **OTHER BUSINESS:**

A. Campbell stated the County Board requested a resolution be prepared recognizing retiring City Council members and welcoming Mayor Wesley and the new Council members.

Campbell read Resolution 99-1006 into the record.

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 99-1006. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

Campbell commended the County Clerk's office for their cooperation and assistance in preparing for the Board of Equalization Property Valuation Protests.

9) **ADJOURNMENT:**

By direction of the Chair, the meeting was adjourned.